

Senate Bill No. 673

CHAPTER 627

An act to add Section 8594.14 to the Government Code, relating to emergency services.

[Approved by Governor October 8, 2023. Filed with Secretary of State October 8, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 673, Bradford. Emergency notification: Ebony Alert: missing Black youth.

The California Emergency Services Act, among other things, establishes the Office of Emergency Services for the purpose of mitigating the effects of natural, man-made, or war-caused emergencies and makes findings and declarations relating to ensuring that preparation within the state will be adequate to deal with those emergencies. Existing law authorizes a law enforcement agency to request the Department of California Highway Patrol to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Existing law also authorizes the issuance and coordination of a "Silver Alert" relating to a person who is 65 years of age or older, developmentally disabled, or cognitively impaired who is reported missing, and a "Feather Alert" relating to an endangered indigenous person who has been reported missing under unexplained or suspicious circumstances.

This bill would authorize a law enforcement agency to request the Department of the California Highway Patrol to activate an "Ebony Alert," with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted. The bill would authorize the department to activate an Ebony Alert within the appropriate geographical area requested by the investigating law enforcement agency and to assist the agency by disseminating specified alert messages and signs, if the department concurs with the agency that an Ebony Alert would be an effective tool in the investigation of a missing person according to specified factors. The bill would also make related legislative findings and declarations.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) According to the U.S. Department of Justice Office of Justice Programs, approximately 600,000 people go missing every year in the United States. Youth 18 years of age or under account for about 35 percent of these reported cases.

(2) Missing children have become more publicized in the United States over the past two decades, which has resulted in nearly 98 percent of these missing children being located. While this is promising, there are severe racial disparities in the statistics of the 2 percent who are still missing.

(3) According to data from the 2019 United States Census, people who are Black or African American make up 13.4% of the United States population. However, nearly 4 percent of missing persons are people of color.

(4) According to the National Crime Information Center's (NCIC) Missing Person and Unidentified Person Files for the 2021 operational year, 177,500 Black adults and children were reported missing.

(5) Black youth 18 years of age or under make up 38 percent of missing persons cases and Black children make up about 33 percent of all missing child cases and receive less media attention to the fact that they are missing.

(6) In addition to making up a disproportionate percentage of all missing people, Black women and girls are at increased risk of being harmed.

(7) The Congressional Black Caucus Foundation found in a two-year study of human trafficking incidents across the country that 40 percent of sex trafficking victims were identified as Black women.

(8) According to the FBI, 53 percent of all "juvenile prostitution" arrests are Black children. There is no such thing as "juvenile prostitution" — this is sex trafficking, as juveniles cannot consent to sell sex.

(9) The first alert system developed in California was "AMBER Alert," that authorized law enforcement agencies to use digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. As of December 2020, the AMBER Alert system had successfully assisted in the rescue of 1,029 kidnapped children.

(10) The AMBER Alert system must fulfill strict criteria for the message to be broadcast. If these criteria are not met, an AMBER Alert cannot be issued, and the child is labeled as a runaway.

(11) When a missing child is listed as a runaway, they receive no media coverage, and fewer police and government resources are available for their recovery.

(12) Being identified as a runaway can also be a legal loophole for law enforcement, because when a child is listed as a runaway, the police are allowed to delay response and investigation time. In cases where the child is mislabeled as a runaway, this delay is crucial time that could be spent locating a child in danger.

(13) Black missing children are disproportionately classified as "runaways" in comparison to their white counterparts and do not receive

the AMBER Alert, which ultimately means that fewer resources are allotted to safe return of Black children.

(b) The Legislature intends to provide law enforcement with additional tools to disseminate timely, accurate information to engage the public and the media to more effectively assist with locating missing Black children and young women that are disproportionately missing in California.

SEC. 2. Section 8594.14 is added to the Government Code, to read:

8594.14. (a) For purposes of this section, “Ebony Alert” means a notification system, activated pursuant to subdivision (b), designed to issue and coordinate alerts with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted.

(b) (1) If a person is reported missing to a law enforcement agency and that agency determines that the requirements of subdivision (c) are met, the law enforcement agency may request the Department of the California Highway Patrol to activate an Ebony Alert. If the Department of the California Highway Patrol concurs that the requirements of subdivision (c) have been met, it may activate an Ebony Alert within the appropriate geographical area requested by the investigating law enforcement agency.

(2) Radio, television, cable, satellite, and social media systems are encouraged to, but not required to, cooperate with disseminating the information contained in an Ebony Alert.

(3) Upon activation of an Ebony Alert, the Department of the California Highway Patrol may assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, an electronic flyer, or changeable message signs in compliance with paragraph (4).

(4) Upon activation of an Ebony Alert, the Department of the California Highway Patrol may use a changeable message sign if both of the following conditions are met:

(A) A law enforcement agency determines that a vehicle may be involved in the missing person incident.

(B) Specific identifying information about the vehicle is available for public dissemination.

(c) A law enforcement agency may request that an Ebony Alert be activated if that agency determines that an Ebony Alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl. The law enforcement agency may consider the following factors to make that determination:

(1) The missing person is between 12 to 25 years of age, inclusive.

(2) The missing person suffers from a mental or physical disability.

(3) The person is missing under circumstances that indicate any of the following:

(A) The missing person’s physical safety may be endangered.

(B) The missing person may be subject to trafficking.

(4) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.

(5) The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(6) The investigating law enforcement agency has utilized available local resources.

(7) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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